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February 5, 2007

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Comment re: Proposed CR 45 (a) (3)

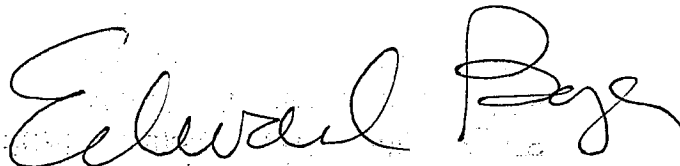
Suggestion: change phrase "produce evidence" to "produce books, documents or tangible things" in proposed CR 45 (a) (3).

Rationale for clarification: Without a clarification, this section of proposed rule CR 45 could be read to include oral testimony. This is especially true because traditionally, notices of oral depositions have included the following phrase:

"This testimony upon oral examination will be taken on the ground and for the reason that the said person is a party to or a witness in the above-entitled action, and will GIVE EVIDENCE material to the establishment of the plaintiffs/defendants case." (emphasis added)

The similarity in the phrase "give evidence" to the language "produce evidence" lends some ambiguity to the scope of CR 45 (a) (3). It would be helpful to make it clear that CR (a) (3) applies only to books, documents or other tangible things and does not include oral testimony.

Sincerely yours,



Edward F. Boyer  
Attorney at Law

EB: lom